

State of Washington  
Department of Ecology  
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY )  
BRO-BEN INC. REQUESTING CHANGE IN THE PLACE )  
OF USE AND POINT OF DIVERSION OF WATER ) Emergency Drought  
UNDER SURFACE WATER CERTIFICATE ) Change Authorization  
NO. S3-20712C )  
)

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

**Background**

On May 16, 2001, V.M. Brock on behalf of Bro-Ben, Inc. filed an application to change existing water rights in Douglas County to other properties within Chelan County. Irrigation on their lands is authorized under existing non-interruptible Surface Water Certificate No. S3-20712C.

**Surface Water Certificate No. S3-20712C**

Surface Water Certificate No. S3-20712C, with a priority date of 1973, was issued to Bro-Ben, Inc. and authorizes the diversion of 2.6 cubic feet per second (cfs) and 695.5 acre-feet per year from April 1 to October 1 for the irrigation of 130 acres from the Lake Rufus Woods part of the Columbia River within Government Lot 2 of Section 25, T. 30 N., R. 26 E.W.M. The point of diversion is actually two shallow wells immediately adjacent to the shore. The place of use is the W $\frac{1}{2}$ SE $\frac{1}{4}$ ; E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 25, T. 30 N., R. 26 E.W.M.

The applicant proposes to change the irrigation of 130 acres of non-interruptible water rights of Certificate No. S3-20712C to other property within the Lower Stemilt Irrigation District (LSID) down river. Approximately 130 acres of irrigation will not occur on the authorized place of use this year under Surface Water Certificate No. S3-20712C.

The new place of use contains 140 acres located on property currently provided irrigation water under Surface Water Permit No. S4-29535P which is subject to interruption when the Columbia River falls below the minimum flow levels established in Chapter 173-563-040 WAC.

Permit No. S4-29535P authorized the diversion of 2.0 cfs and 576 acre-feet per year for, 496 acre-feet per year for irrigation of 124 acres from April 1 to October 15 each year; 64 acre-feet per year for supplemental irrigation of 16 acres from April 1 to October 15 each year; and 16 acre-feet per year for frost control as required. The place of use is located on three properties: Senseney Property- 109 acres within the SE $\frac{1}{4}$  of Section 35, T. 22 N., R. 20 E.W.M., Chelan County, Washington bounded by the following described property line: Beginning at the SE corner of the SE $\frac{1}{4}$  of Section 35, T. 22 N., R. 20 E.W.M., a #5 rebar and aluminum cap stamped O'Hare #9606; thence S 87°02'16" W 2256.70 feet along the south section line of said Section 35 to the crest of a ridge; thence along said crest N 15°01'32" E 750.13 feet; thence along said crest N 21°39'45" E 288.85 feet; thence along said crest N 0°51'18" W 400.92 feet; thence along said crest N 33°58'24" E 409.43 feet; thence along said crest N 27°08'10" E 666.32 feet; thence N 2°24'35" W 63.00 feet; thence N 78°55'18" E 1582.55 feet to the E $\frac{1}{4}$  corner of Section 35, a  $\frac{3}{4}$  inch iron pipe; thence S 2°46'01" W 2579.75 feet to the Point of Beginning.

Mathison Property-120 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, T. 22 N., R. 21 E.W.M., Chelan County, Washington.

Shaw/Simmons/Abercrombie Property-That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$  and of Government Lots 3 and 4, Section 1, T. 21 N., R. 20 E.W.M., Chelan County, Washington lying easterly of the Stemilt Creek Road, EXCEPT those portions thereof conveyed to Chelan County for road purposes by deeds recorded November 28, 1947; April 5, 1948; and July 18, 1956; under Auditor's File Numbers 401652,406635, 510613, and 510614.

The new emergency point of diversion for Surface Water Certificate No. S3-20712C will be from the Columbia River approximately 1000 feet north and 1400 feet west from the SE corner of Section 19 within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 19, T. 22 N., R. 21 E.W.M.



### Conclusions and Decision

Authorizing this change of water right down river along the Columbia River will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 130 acres of irrigation under Surface Water Certificate No. S3-20712C in Douglas County to property described as follows:

Senseney Property- 109 acres within the SE $\frac{1}{4}$  of Section 35, T. 22 N., R. 20 E.W.M., Chelan County, Washington bounded by the following described property line: Beginning at the SE corner of the SE $\frac{1}{4}$  of Section 35, T. 22 N., R. 20 E.W.M., a #5 rebar and aluminum cap stamped O'Hare #9606; thence S 87°02'16" W 2256.70 feet along the south section line of said Section 35 to the crest of a ridge; thence along said crest N 15°01'32" E 750.13 feet; thence along said crest N 21°39'45" E 288.85 feet; thence along said crest N 0°51'18" W 400.92 feet; thence along said crest N 33°58'24" E 409.43 feet; thence along said crest N27°08'10" E 666.32 feet; thence N 2°24'35" W 63.00 feet; thence N 78°55'18" E 1582.55 feet to the E $\frac{1}{4}$  corner of Section 35, a  $\frac{3}{4}$  inch iron pipe; thence S 2°46'01" W 2579.75 feet to the Point of Beginning.

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A water duty of 0.016 cfs and 4 acre feet per acre is authorized for use on the property.

The point of diversion is the existing pump stations on the Columbia River located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 19, T. 22 N., R. 21 E.W.M.

A maximum of 2.0 cfs and 576 acre-feet per year to irrigate 130 acres, less any water quantity diverted under the supplemental water program for the Columbia River, are authorized for use through this approval.

### Provisions

The following provisions shall apply to this change authorization:

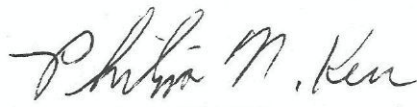
Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (130 acres) formerly irrigated under Surface Water Certificate No. S3-20712C that will not be irrigated under this right and the lands (130 acres) to be irrigated at the new place of use as a result of this change.

A measuring device approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 1, 2001.

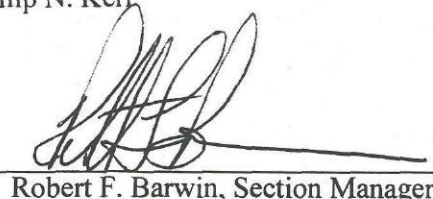
REPORT BY:

  
Philip N. Kerr

DATE:

MAY 30, 2001

APPROVED BY:

  
Robert F. Barwin, Section Manager

DATE:

5/30/2001